HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.1689 OF 2005

PETITIONER		Toukir Dani, S/o. Gulam Sarwar Dani, Aged about 47 years, President Nagar Panchayat, Basna, Resident of Basna, District Mahasamund (C.G.)
	versus	
RESPONDENTS	1.	State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Building, Mantralaya, Raipur, Chattisgarh.
	2.	Secretary, Department of Panchayat, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.
	3.	Collector, Mahasamund, District Mahasamund (C.G.)
	4.	Additional Collector, Mahasamund, District Mahasamund (C.G.)
	5.	Sub Divisional Officer (Revenue), Saraipali, Mahasamund, District Mahasamund (C.G.)
	6.	Chandigiram, S/o. Hanu Nayak, Aged about 65 years, Resident of Adarsh Nagar, Basna, Thana and Tehsil Basna, District Mahasamund (C.G.)
	7.	Nagar Panchayat, Basna, Through Chief Executive Officer, Nagar Panchayat, Basna, District Mahasamund (C.G.)

Present Mr.V.R. Tiwari, learned counsel for the petitioner.
Mr. Yashwant Singh, learned G.A., for respondents 1 to 5./State.
Mr. Vishnu Koshta, learned counsel for respondent No.6.

ORAL ORDER
(Passed on 19th January, 2006)

To put the facts in brief, the petitioner was elected as President, Nagar Panchayat, Basna in the election held in the year 2005.

His election was challenged by way of election petition before the Election Tribunal by the sixth respondent herein who is the defeated candidate. That election petition is still pending. In the meanwhile, the sixth respondent being aggrieved by the caste certificate issued by the Sub Divisional Officer, Saraipali on 09/11/2005 certifying that the petitioner belongs to Backward Class, preferred an appeal to the Additional Collector, Mahasamund and that appeal is also pending. When the matter stood thus, the petitioner has filed this writ petition contending that the Additional Collector has no jurisdiction to entertain the appeal and only the High Power Scrutiny Committee has the jurisdiction to entertain the appeal. This Court while entertaining this writ petition, granted interim order staying further proceedings before the Additional Collector and that interim order has been in operation till now.

(2) It is fairly accepted by all the sides that an appeal lies against the caste certificate issued by the SDO, Saraipali only to the State level High Power Scrutiny Committee and not to the Additional Collector, Mahasamund. It was also brought to my notice that during the pendency of this writ petition, the Additional Collector, Mahasamund himself referred the appeal to the Chief Secretary, Government of Chhattisgarh. In that view of the matter, I dispose of the writ petition directing the Additional Collector, Mahasamund to refer the appeal filed by the petitioner herein to the State level High Power Scrutiny Committee for decision-making. It is further directed that the Election Tribunal shall await the decision of the State level High Power Scrutiny Committee for further steps in the Election Petition. No costs.

Sd/-
Chief Justice